

Amendments to the Drawings:

The attached sheets of drawings are formal drawings and replace the original sheets including Figs. 1-7.

Attachment: Formal Drawing Replacement Sheets

REMARKS/ARGUMENTS

Claims 1-4 are pending in the present application. Claims 5-8 have been added. The Examining Attorney has requested that the Applicant submit an Information Disclosure Statement that has been prepared and a copy accompanies this office action. We have gathered as many copies of the materials within the Information Disclosure Statement as we can at this time. A representative of the Applicant has discussed the possible prior art to be disclosed within the Applicant, and specifically the newparadigm website. In our investigation on www.archive.org we only find web pages dating back to Oct. 1, 1999. The provisional application of this prosecution was filed on July 19, 2000 and thus the 1 year bar date in Applicant's estimation is July 19, 1999. There is no indication that the newparadigm website was running before this bar date and thus cannot be considered prior art of the disclosure. However, materials on the website that were available to the public before the bar date have been disclosed within the Information Disclosure Statement.

The Examiner has requested that the drawings be corrected to be in compliance with 37 CFR 1.121(d) because the drawings are informal and/or not legible. Applicant has replaced all of the informal drawings with formal drawings to comply with the Examiner's request. The specification has been objected to for several informalities including the title of the invention not being descriptive, and the incorporation of subject matter in the application which is not been provided to the Examiner in an appropriate Information Disclosure Sheet. The title has been amended as suggested by the Examiner, and a proper Information Disclosure Statement has been provided to the Examiner. Furthermore, the incorporation of Selling with Integrity has

been eliminated from the specification. Thus, all objections to the specification are considered to be overcome.

Claims 1-4 have been rejected under 35 U.S.C. 102(b) as being based upon a public use or sale of the invention over Parr, Jan, It's the Buyer Stupid (1996); Morgan, Sharon, Selling with Integrity (1997); Morgan, Sharon, Serving Need, Not Greed: How business can Partner with Customers (1998); and Morgan, Sharon, "Stupid" Selling: Let the client lead the way (1998). The Examiner has also requested additional information under 35 U.S.C. 102(b) regarding the public use and sale of criteria basis selling, as discussed in Applicant's book Selling with Integrity and on the newssalesparadigm.com website. In accord with this request the Applicant has filed an Information Disclosure Statement with seminar syllabus and course descriptions of different programs that were presented to the public and sold to the public by the Applicant and additionally, accompanying this office action is an affidavit signed by the Applicant discussing the presentations that the Applicant provided before and after filing the present application. This affidavit includes a sworn statement that all information to Applicant's knowledge regarding public uses or sales of information that is relevant to this inquiry has been provided to the Examiner. Finally, claims 1-4 have been rejected under 35 U.S.C. 103(a) over Morgan, Sharon, Selling with Integrity (1997). Applicant respectfully traverses all rejections.

Claims 1-4 have been rejected under 35 U.S.C. 102(b) as being based upon a public use or sale of the invention over Parr, Jan, It's the Buyer Stupid, (1996), Morgan, Sharon, Selling With Integrity (1997), Morgan, Sharon, Serving Need, Not Greed: How business can partner customers (1998); and Morgan, Sharon "Stupid" Selling: Let the client lead the way (1998).

Applicant has amended claim 1 to require "wherein a plurality of responses to determine what is missing with a website originate from actual research on companies who complained that their websites are inadequate." This amendment gains its antecedent basis in the specification from page 9, lines 7-9 that states "the five responses in the example illustrated in Fig. 1 originate from actual research of companies who complained that their websites are inadequate." The cited prior art references do not teach a website wherein questions are asked and different responses are provided to the question wherein the responses are based upon research on companies that complain that their websites are inadequate. Instead, these references teach selling techniques that involve asking multiple questions to a potential customer in order to determine what the customer's needs or wants are before making a sale. These references do not suggest already having an answer for these customers for the questions being asked based upon research done of companies that have similar problems to these customers. Thus, these references do not teach predicting these answers nor how these answers would be derived. Therefore, each and every limitation of amended claim 1 is not present in the prior art references and the anticipation rejections are considered overcome. Similarly, amended claim 1 is considered non-obvious in view of the amendment. Because claims 2-4 depend on claim 1, they are also considered in allowable form.

New claims 5-7 have been added all of which depend on claim 1. All three claims add limitations regarding the specific questions that are to be asked when determining what is missing with respect to a problem, when determining why a visitor is unable to adequately solve a problem and in determining whether an identified solution to the problem is acceptable. These

limitations, and specifically, these sets of questions, function to determine what a problem is, why a visitor is unable to adequately solve a problem and to determine why an identified solution is acceptable. Though other questions could be asked to get to these same answers, the application identifies these questions as the ones that function to enable a visitor to make a criteria based decision that is the best possible decision that can be made. Thus, by using these functional questions in combination, a method that provides the best solution to a problem occurs. The implementation of these specific questions in order to come to a solution to any problem cause these questions to be a functional feature that is an advantage over the cited prior art. Thus, not only are dependent claims 5-7 considered allowable subject matter because they depend on claim 1, they also are considered to contain their own allowable subject matter. Thus, in view of the amendment claims 1-7 are considered in allowable form.

CONCLUSION

In view of the above remarks and arguments, Applicant believes that claims 1-7 are in condition for allowance and Applicant respectfully requests allowance of such claims.

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



Timothy J. Zarley
Reg. No. 45,253
ZARLEY LAW FIRM, P.L.C
Capital Square
400 Locust Street, Suite 200
Des Moines, IA 50309-2350
Phone No. (515) 558-0200
Fax No. (515) 558-7790
Customer No. 34082
Attorneys of Record

- JLH/bjs -